

REMARKS

Favorable action on the merits is solicited in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-27 were pending in this application and subject to restriction.

Claims 1 and 3 are amended to incorporate the subject matter of claims 4-5 and 8-9. The remaining claims have been amended in a non-narrowing manner to make minor editorial revisions to better conform to US claim form and practice. Such revisions are non-substantive and not intended to narrow the scope of protection. Such revisions include: replacing the "characterized by" language with "wherein"; revising the beginning of the claims to recite "A" or "The" and revising the claim language to provide proper antecedent basis throughout the claims. The claims have also been amended to remove the "preferably", "particularly", "advantageously" and "for example" language and to add the elements therein back in new proper dependent claims 28-43.

Claims 4-5 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a divisional or continuation on any cancelled subject matter.

No new matter has been added by the above claim amendments.

Claims 1-3 and 6-43 are pending upon entry of this amendment.

II. RESPONSE TO RESTRICTION

In response to the Restriction Requirement, Applicants hereby provisionally elect, with traverse, the invention of Group I, claims 1-8, as amended and new dependent claims 29-43, drawn to a solid.

The reasons for traverse are as follows.

Applicants note that the unifying feature of the invention is the solid comprising a single layer of tungsten oxide on a support of zirconia and/or titanium oxide. It is respectfully submitted that this feature has to be present in the product of claims 1-8 (elected Group I) and in the methods of at least claims Groups II-IV.

It is respectfully submitted that Yori et al. does not disclose or suggest the above-noted unifying feature of the invention. Consequently, Applicants respectfully submit that the present has unity of invention.

It is also respectfully submitted that it would not constitute an undue burden to search numerous of the inventions of Groups I-V together in a single application given the above-referenced overlapping and related subject matter.

For these reasons, it is respectfully submitted that unity of invention exists since the corresponding special

technical feature of the claims is present throughout the claims. Thus, Applicants respectfully submit that the restriction requirement is untenable and should be withdrawn.

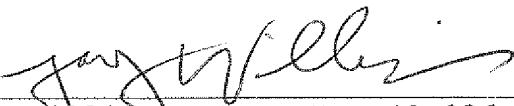
Thus, kindly search and examine of all the claims in their full scope together in this application as the inventions of Groups I-III have unity of invention.

In the event that the Office disagrees with the traversal and maintains the requirement, then kindly consider the possibility of rejoinder of the non-elected invention, upon a determination of allowance of the elected invention, per U.S. rejoinder practice.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Jay Williams, Reg. No. 48,036
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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